

REMARKS

Reconsideration and further examination of the subject patent application in light of the present Amendment and Remarks is respectfully requested.

Rejection Under 35 U.S.C. §103

Claims 1-11 stand rejected under 35 U.S.C. §103 as being unpatentable over Fantle in view of Langan, as set forth in paragraphs 1-2 of the Office Action. In view of the claims as presently amended, applicant respectfully traverses this rejection.

In applicant's claimed invention, the pitcher zone 23 designates a special event feature and is included in all of the independent claims, as amended. Neither Fantle nor Langan teach, disclose or suggest this claimed feature. The pitcher zone 23 can be played in every inning, causing the players of applicant's bingo game to continue to watch the base ball game so as not to miss any plays or events. The cited references do not suggest any such feature that essentially increases the player's interest in and observation of the baseball game. In that regard, the pitcher zone 23 is located at the center of the matrix and therefore, pitcher zone 23 increases the possibility of having "bingo." Applicant's pitcher zone 23 is distinguishable from the "free zone" located at the center of the game in accordance with Fantle because Fantle's "free zone" is always punched out generally from the beginning of the game. Accordingly, applicant submits that neither Fantle nor Langan teach or suggest applicant's special event designation having zones, each of which is associated with the play or event of the baseball game but is not associated with any inning number. This is simply not taught or suggested in either reference alone or in the combination the two cited references.


As the Examiner is aware, it is impermissible to combine the teaching of prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. In re Fritch,

23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The Examiner cannot pick and choose features from the prior art to recreate the claimed invention in hindsight without some teaching or suggestion in the references to support use of the particular claimed combination. Smithkline Diagnostics Inc., v. Helena Laboratories Corp., 8 U.S.P.Q.2d 1468, 1475 (Fed. Cir. 1988).

Closing Remarks

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits an early Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,
WELSH & KATZ, LTD.
By 
Eric D. Cohen
Registration No. 38,110

September 22, 2005

WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500